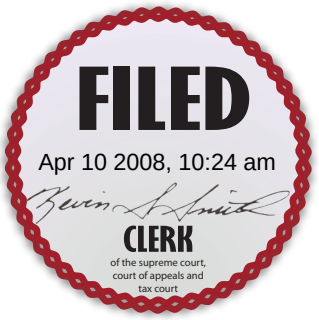

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IN THE
COURT OF APPEALS OF INDIANA

EDWARD P. JOHNSON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 02A03-0705-CR-213
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Kenneth R. Scheibenberger, Judge
Cause No. 02D04-0610-FD-882

April 10, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

Edward P. Johnson appeals his conviction for invasion of privacy as a Class D felony. Edward argues that insufficient evidence exists to support his conviction. Finding the evidence sufficient, we affirm.

Facts and Procedural History

In 2002, Edward and Virginia Johnson divorced. In 2006, Virginia obtained a two-year ex parte order of protection against Edward, which, in pertinent part, provides that "[Edward] is prohibited from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with [Virginia]." Appellant's App. p. 12. Thereafter, Virginia was at a Speedway gas station in Fort Wayne, Indiana, and Edward was present at the same gas station. At some point while at the gas station, Edward began screaming and yelling at Virginia. Specifically, Edward yelled, from approximately fifteen feet away, "Today's the day you're going to die, b**tch." Tr. p. 84. Upon hearing this, Virginia went into the station and contacted the police. Edward remained outside "ranting and raving and shaking his fists, and then he left." *Id*. at 86.

Thereafter, the State charged Edward with invasion of privacy as a Class D felony.[1] At the conclusion of his trial, the jury determined that Edward was guilty as charged. The trial court entered a judgment of conviction and sentenced Edward to two years in the Indiana Department of Correction. Edward now appeals.

Discussion and Decision

[1] Ind. Code § 35-46-1-15.1.

Edward argues that the evidence is insufficient to support his conviction. In determining the sufficiency of the evidence, we neither reweigh the evidence nor resolve questions of credibility. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). The evidence is sufficient if an inference may reasonably be drawn from it to support the judgment. *Id*.

"A person who knowingly or intentionally violates . . . an ex parte protective order issued under Ind. Code 34-26-5 . . . commits invasion of privacy, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction for an offense under this section."[2] Ind. Code § 35-46-1-15.1. Edward argues that insufficient evidence exists to show that he violated the protective order because "[t]here was no evidence that [he] knowingly and intentionally contacted [Virginia] directly or indirectly." Appellant's Br. p. 5. We disagree.

Virginia testified at trial that Edward, while approximately fifteen feet away, screamed, "Today's the day you're going to die, b**tch." Tr. p. 84. This is evidence of Edward directly contacting Virginia in contravention of the protective order. In general, the uncorroborated testimony of the victim is sufficient to sustain a criminal conviction. *Holeton v. State*, 853 N.E.2d 539, 541 (Ind. Ct. App. 2006). Although Edward argues that "[t]he testimony of [Virginia] was contradicted by that of the State's other witnesses[,]" Appellant's Br. p. 6, this evidence was presented to and ultimately rejected by the trial court. Thus, Edward's argument on appeal is merely a request that we reweigh the evidence, which we cannot do. The evidence is sufficient to support Edward's conviction for invasion of privacy as a Class D felony.

[2] Edward has a previous conviction for invasion of privacy against Virginia that occurred on or about February 27, 2004.

Affirmed.

SHARPNACK, J., and BARNES, J., concur.